

DIOCESAN POLICY ON CONCERTS IN CHURCHES



Roman Catholic Bishop of the
Diocese of Calgary, Alberta, Canada

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1

Preamble

On November 5, 1987, the Congregation for Divine Worship issued the letter ***Concerts in Churches*** to assist local Ordinaries in making valid pastoral decisions with respect to musical performances in churches outside of the celebration of the liturgy (#4),¹ given that opening churches up in a general way, or refusing to open them up altogether, could equally disturb some of the faithful. Drawing on a number of documents from the Second Vatican Council and after, ***Concerts in Churches*** provides a list of points for consideration as well as practical directives meant to help a local Ordinary discern the proper course of action. The letter also notes that the Diocesan Liturgy Commission, including its Sacred Music Subcommittee, should assist the local Ordinary in this matter.

It is the responsibility of us all as members of the pilgrim people of God, but especially incumbent upon individual bishops and rectors of churches, in their pastoral responsibility, to maintain the sacred character of our churches, which have been designed and set apart for sacred celebrations, prayer, and silence. Because of this, we allow in our churches only those activities which serve to exercise or promote worship, piety and religion. Only the local Ordinary may permit other uses, provided they are not contrary to the sacred character of the place. While concerts are not liturgical rites, they may serve to promote worship, piety and religion under certain circumstances. When

¹ Numerical references in parentheses, such as “(#4),” indicate paragraph numbers in the Vatican letter ***Concerts in Churches*** (1987).



determining the legitimate uses for church buildings, it is important to consider whether a particular concert, dramatic performance or other event (e.g., graduation ceremonies) will serve this purpose, or instead, cause harm to the teaching of the faith and to the sensitivities of the people of God.

The Diocesan Liturgy and Adult Formation Office, in collaboration with the Diocesan Liturgy Commission of the Diocese of Calgary undertook, in the fall of 2006, to research various aspects of the matter of concerts in churches, and to survey many parishes which had already held concerts in churches. The results of this work are now incorporated into this new *Diocesan Policy on Concerts in Churches* for the Diocese of Calgary.

Why a Policy Is Needed

Because of the number of requests pastors receive to use churches as concert venues, it has become important to address the issue with a diocesan policy. Pastors, themselves, have requested this.

The letter *Concerts in Churches* acknowledges a considerable number of reasons why requests for concerts in churches are made. Churches often have ideal acoustics for concerts, and they are often very beautiful. In some cases, there is no other venue which houses a suitable organ for organ recitals. Depending upon the location, it may be difficult to find any other building capable of seating large numbers of people. Churches are sought after, in some cases, simply because the number of concerts is, in general, increasing and suitable venues are scarce. In the case of sacred works, a church may be desired because it was for this particular setting that certain works were originally created.

In addition, people enjoy attending live concerts. The ease with which people today gain access to recorded music by means of a variety of media enhances this desire. In some cases, such concerts are the main way of using a traditional sacred repertoire which is no longer suitable for the celebration of the Church's liturgy, because such works date from a period when the active participation of the faithful was not emphasized as the source of the authentic Christian spirit (#6). In other instances, concerts in churches serve as the expression of spiritual or religious devotions, incorporating religious music, religious themes and prayerful elements (readings, prayers, and moments of silence).

For all of these reasons, churches are desirable spaces for concerts. The sheer number of requests is a good occasion for the Catholic community to reflect on its own identity and the purpose of its churches, dedicated for the Christian people's worship of God, and to take a common approach to the issue. The Congregation for Divine Worship, already aware of the many reasons why churches are sought-after places for concerts, definitely supports making arrangements for the performance of works of a sacred or religious nature outside of liturgical celebrations in a concert of sacred music (#6).

The Nature of a Diocesan Policy

A policy specifies a definite course of action, for the sake of expediency, ease and prudence. It is also useful in providing consistency within a diocese and an ordered approach to assist pastors with the many requests for concerts they receive. While it does not have the force of law, it suggests that instances of taking a different course should be rare. Indeed, the Diocesan Liturgy and Adult Formation Office and the Diocesan Liturgy Commission propose that any departure from this

diocesan policy should require the explicit permission of the local Ordinary. It is our confident hope that the extensive consultation process undertaken prior to the preparation of this policy will allow for ease of reception of the document's content.

The *Diocesan Policy on Concerts in Churches* is provided below. For background material that can be helpful in reaching a full understanding of the elements of the policy, please see the separate appendices on a variety of topics, attached to the policy.

2

Diocesan Policy on Concerts in Churches

1. In general, concerts should be considered occasional events.
2. Concerts of sacred and/or religious music are allowed. Dramatic productions, including those which involve dance, are also allowed when they have a religious character, and they are in keeping with the pastoral plan of the local church (the diocesan church) (Appendix E).
3. Concerts of secular music, the presentation of dramatic works of secular character, and other secular events *may* be allowed, with the permission, and at the discretion, of the local Ordinary. Such permissions are granted '*per modum actus*', that is, in individual instances, on a case-by-case basis. A permission granted once is not to be considered a blanket approval for future events (a series of concerts or multiple events). The local Ordinary's permission must be *requested and received prior* to making any arrangements whatsoever with concert organizers or performers (Appendix E).
4. Requests for permission to present concerts of secular music or dramatic works or other presentations of secular character in churches (meaning worship spaces, not church halls) are to be made in writing, in good time (at least six months prior to the proposed event), indicating the date and time of the proposed concert or performance, and the proposed programme (including the names of works to be performed, along with names of composers, speakers, playwrights, etc.).
5. Parishes can best be stewards of the gifts of musicians, of the church (worship) space, and of their mission to evangelize if they organize concerts as part of an overall plan of pastoral outreach. All such events should foster the deeper understanding and interior participation of the listeners (Appendix A).



6. All performances should lead to respect for the sacred space, and the ultimate experience of communion with the living God. Requests for concerts that do not fit in with the overall pastoral plan for the local church may justifiably be denied.
7. Concerts which have the sole purpose of raising funds are to be avoided. The Parish Regulations Manual for the Diocese of Calgary states: “No permission may be given to use a sacred place for anything that offends against the holiness of the place, e.g., a concert of loud rock music, a political rally, merchandising” (PROP1, May 10, 2005). Since a church, by its dedication or blessing, has been set apart for the priestly people’s worship of God, it must not be viewed merely as a convenient or novel place to use in order to make money. Its primary purpose must always take precedence. One would never presume to hold the church’s annual bazaar in the worship space itself. In the same way, one must not treat the worship space as just another ‘venue’, making of it a place which sells ‘musical’ or ‘dramatic’ merchandise.
8. Parishes may not hold concerts so frequently that their tax-free status is called into question or put in jeopardy. In other words, concerts may not become the primary means of raising funds in any parish.
9. When the Church sponsors or hosts a concert, there is implicit support given for the work of the performer. Lyrics for songs used during a concert, for example, must be in harmony with the Catholic Christian Church’s self-understanding and faith. It is required that a list of the proposed music and lyrics be provided to the pastor or pastor’s designated delegate well in advance of the concert.
10. Copyright permission for any musical or dramatic work used in a performance in a church must be secured in writing by the performer or organizer, and must be made available to the pastor or the pastor’s designated delegate (Appendix H).
11. Parishes would be advised to require of performers a damage deposit, unless they intend to cover the costs of any incidental damage themselves. Diocesan employees and volunteers are covered for property damage, bodily injury and personal injury, in the course of their duties as long as there is an allegation of fault. If performers are at fault, there may be coverage, but the diocesan

insurance company is also entitled to take action against the performer to retrieve any costs incurred. In addition, such claims are likely to affect the availability and cost of insurance in the future (Appendix G).

12. The Blessed Sacrament may be moved, at the discretion of the pastor, if there are compelling reasons to do so.
13. The character of the sacred space must be retained. The greatest respect is to be shown to the altar, the president's chair, and the ambo. Altars may not be moved, and nothing associated with the concert, dramatic production, or other event may be placed on the altar.
14. Musicians, singers, actors and speakers may be in the sanctuary provided that they respect by their demeanor and attire the character of the sacred space. It is difficult to set out specific rules in this regard as the appropriateness of attire depends to some degree on the type of event occurring. Actors normally wear costumes, for example: a very disheveled-looking John the Baptist might be thoroughly appropriate in a dramatic work with a biblical context, whereas a performer wearing similar attire for today's world might make others uncomfortable by appearing disrespectful. Some common sense and appreciation both of the dignity of the human being and the dignity of the worship space should help to ensure that the behaviour and dress of anyone in the worship space, including audience members also, shows consideration for others and respect of people and the sacred space (Appendix E).
15. Advance ticket sales and entrance to the performance by donation (but not both) are acceptable. However, in no case may anyone be turned away for not having sufficient funds. Where entrance to the performance has been gained by advance ticket sales or donation, no other collection may be taken.
16. The cause for which funds are being raised must be made public. All proceeds from the concert must be allocated according to the advertised cause. A full accounting of all revenues, expenses, and proceeds must be kept in the parish records.
17. The sale of CDs and other items may not take place within the nave of the Church, but only in a foyer or hall distinct from any area used for worship.

18. A copy of this entire document or of the ***Diocesan Policy on Concerts in Churches*** alone must be made available to concert organizers and performers, and to those in the parish who express an interest in consulting it. Performers, speakers, and organizers should be asked to read the ***Diocesan Policy on Concerts in Churches***.
19. If those who organize the event are not parish members, or are parish members who have been given permission to run an event independent from the pastoral plan of the diocesan church, such organizers of the event must declare in writing, by signing a contract, that they will accept legal responsibility for leaving the church in good order, for any expenses incurred, and for any damage which happens in the course, or as a result of, the event (a sample is attached) (Appendix G).
20. Parishes must make every effort to apply the ***Diocesan Policy on Concerts in Churches*** consistently.
21. To ensure that the relationship between the community of the church and the event taking place in the church (worship) space is cultivated and strengthened, parish leadership must be involved in the organization of, and present at, the event.
22. Music which can be conveniently incorporated into liturgical celebrations should not normally be part of a concert in a church. Concerts arise in part out of a desire to hear compositions that are not readily heard on other occasions. Efforts should be made to avoid confusion between liturgical and non-liturgical contexts.
23. Although the local Ordinary may, if he considers it to be necessary, and subject to the conditions foreseen in the *Code of Canon Law* (1983), Canon 1222 (2), may designate a church that is no longer used for divine service, to be an 'auditorium' for the performance of sacred or religious music, and also of music not specifically religious but in keeping with the character of the place, this has not been done at this time in the Diocese of Calgary.

A

Who We Are As Church

Who we are as the people of God governs what we do with our churches.

1. **We are a holy people**, the people of God gathered together and made one by the unity of the Father, the Son, and the Holy Spirit. **We are the Church**, the temple of God built with living stones, and a people ‘set apart’ for the worship of the Father in spirit and in truth. Coming together as God’s family, **we, the Christian community**, hear the word of God, pray together, receive the sacraments, celebrate the Eucharist, and prolong the celebration of that Eucharist in the adoration of the Blessed Sacrament.
2. **We are also a people on pilgrimage**, called to share and give witness to our faith. Churches are visible signs of this pilgrim Church on earth. They are images that proclaim the heavenly Jerusalem and places in which are actualized the mystery of the communion between humanity and God. They are the house of God, and the sign of God’s dwelling among us. In a society disturbed by noise, a church is not simply a public place for any kind of use, but an oasis where people gather, in silence and in prayer, to seek peace of soul and the light of faith. They are a sign of the Christian mystery.

We set our churches apart in a permanent way, or ‘dedicate’ them, for use as our houses of worship. Where special circumstances indicate a building is to be used for worship only for a time rather than permanently, at least the rites of blessing are used. Set apart for divine worship by their dedication and blessing, churches remain sacred places, even when no liturgical celebration is taking place.



At any given time, then, the use we make of a church must not offend the sacredness of the place. The criteria we use to discern whether or not to open a church for a concert of sacred or religious music take their form from this principle and, normally, exclude every other type of music from a church (even the most beautiful symphonic music, not in itself of a sacred or religious character).

- 3. Who we are as the people of God guides how we plan and build our churches, and how we dedicate them.** The principle *lex orandi, lex credendi* (the rule of praying is the rule of believing) expresses the insight that the way in which the church prays publicly is a compelling indicator of the church's faith. This means that what we believe as a Christian community is expressed in how we worship God. Likewise, what we celebrate in our liturgical rites indicates our underlying beliefs. When plans are made for a new church to be built, great care is taken that it will be well suited for us to celebrate liturgical services and to participate actively in them.

Changing the use of a church changes its identity and the meaning it is intended to give. Harm is done when churches are used for purposes other than those for which we have built and dedicated them. Indeed, the Christian mystery is communicated less well, and possibly, not at all.

- 4. We do to our new church buildings what has been done to us when we became Christians: we purify them with blessed water, we anoint them with sacred chrism, we fill them with the light of Christ, and clothe their altars with a white garment.** It is fitting, then, that the name "church," which refers primarily to the gathered people of God, is extended to the building in which that gathered people celebrates the saving deeds of God. The space in which this holy people dedicates as its house of worship, its 'sacred space', is made sacred primarily through the gathering of this holy assembly by Christ the Lord, and the celebration of the Eucharist. Many Catholics have never had the opportunity to witness the dedication of a new church, and this is unfortunate.

5. **As a people, we acknowledge the value of the arts in general, and of Sacred Music and Sacred Art in particular. We embrace the contributions music and song make to the elevation of the human spirit.** The *Constitution on the Sacred Liturgy* says that the arts, of their nature, “are directed toward expressing in some way the infinite beauty of God in works made by human hands” (SC, 122). They more completely increase God’s praise and glory, the more exclusively they are devoted to turning human minds devoutly toward God (SC, 112). The *Constitution* also considers the fine arts to be among the noblest activities of human genius.

Because they reflect the beauty of God and can bring people to know God, the arts have an ability to lead humans to the redemptive love of God. They can be catalysts for healing, reconciliation, and joy. Therefore, the arts have remarkable force in the evangelizing mission of the Church, drawing into our sacred spaces and communities people who might otherwise not feel invited or welcome, and spreading the Gospel to unbelievers. They can also be catechetical, deepening the faith of believers. The arts, therefore, may be a means of offering hospitality and outreach to the broader community.

The Church accords the highest nobility to religious art and its highest manifestation, sacred art (SC, 112). In the course of history, the Church has been a great patron of the arts, and trainer of artists, cultivating them both so that “all things set apart for use in divine worship should be worthy, becoming, and beautiful, signs and symbols of things supernatural” (SC, 122).

The Church holds sacred music in particularly high esteem, because of its close connection with the liturgical action, because it makes prayer more pleasing, promotes unity of minds, and confers greater solemnity upon the sacred rites. “The musical tradition of the universal Church is a treasure of inestimable value, greater even than that of any other art, [because], as a combination of sacred music and words, it forms a necessary or integral part of the solemn liturgy” (SC, 112). The Church recommends that it be “preserved and fostered with great care” (SC, 114). The Church “approves of all forms of

true art which have the requisite qualities, and admits them into divine worship” (SC, 112).

6. **As a people, we make the full and active participation by all the people the aim we consider above all else in the restoration and promotion of the sacred liturgy, since this type of participation is the primary and indispensable source from which the faithful are to derive the true Christian spirit (SC, 14).** Musical compositions which date from a period when the active participation of the faithful was not emphasized as the source of the authentic Christian spirit (*Constitution on the Sacred Liturgy, #14; Pius X, Tra le sollecitudini*) are no longer to be considered suitable for inclusion within liturgical celebrations. For example, the performance of purely instrumental pieces on the organ during liturgical celebrations today is limited.

Although we value ‘sacred music’, we do not value it more than the active participation of the faithful in liturgical celebrations. Rather, we value the active participation of the faithful so much that it becomes a criterion which imposes a limitation on the performance of certain musical works. Because we continue to value sacred music, however, we still arrange for the performance of such musical compositions (no longer considered suitable for liturgical use) “outside the context of liturgical celebration in a concert of sacred music” (#6).

7. **As good stewards of the abundance around us, and moved by gratitude to God for these great gifts, we are a people which seeks to use all we have been given for God’s greater glory, and the service of others.** We know that everything we have, and everything we are, comes from God: our identity as the holy people of God and disciples of Christ, our desire to worship God, our churches and associated facilities, and the many gifts - including artistic gifts - bestowed upon the Christian community in particular, and on the entire world in general - all depend upon the gracious love of God for all. Christians acknowledge this abundance intentionally as God’s gift, and seek to use all we have been given for the service of God and neighbour.

Because art has its origin in the creativity of God, it has intrinsic value apart from the worthiness or intention of the artist. The Church is grateful for artistic gifts and preserves them, fosters and cultivates them so that they may more clearly mirror the beauty of God, and makes use of them as a tool of evangelization. This means that the Church's stance towards artists is first and foremost a positive one.

The Church also exercises good stewardship by making use of its sacred spaces in a manner which reflects the dignity of the Christian community and the purpose for which its sacred spaces were designated. Therefore, whenever concerts are held in churches, a way has been found to honour churches as sacred spaces and also to discern how they can suitably be used to cultivate the arts, which have their origin in God, and to lead others to God through evangelization.

It has already been said, above, that our churches, works of art in themselves, have a great deal of potential to draw people to God. Recognizing this and making use of this reality in a manner which serves to strengthen the bond between God and humanity is an expression of good stewardship of our God-given gifts.

B

What the Vatican Letter *Concerts in Churches* Values

1. ***Concerts in Churches* values contemporary music.** It acknowledges the contribution music and song have to “elevating the human spirit” (#1). The letter mentions specifically classical music, sacred polyphonic music, Gregorian chant, religious music and every other type of music. ‘Sacred’ music, whether vocal or instrumental, is defined as music composed for the celebration of divine worship and which possesses integrity of form (*Musicam sacram*, 4a). “The definition of sacred or religious music depends explicitly on the original intended use of the musical pieces or songs, and likewise on their content” (#8). **Sacred music**, composed for the liturgy, but no longer performed during a liturgical celebration, and **religious music** (music inspired by the text of sacred scripture or the liturgy and which has reference to God, the Blessed Virgin Mary, to the saints, or to the Church), **may both find a place in the church building, but outside liturgical celebrations.**
2. ***Concerts in Churches* values the efforts of artists crafting works for secular purposes.** The fact that the Church holds sacred art and sacred music in such high esteem does not mean that works created for secular purposes are of no value at all or of questionable value in principle, for all the arts express in some way the infinite beauty of God. The Church exists, however, primarily to offer praise and thanks to God. It is both understandable and fitting, then, that the Church values most of all those things which serve her ultimate purpose best.
3. ***Concerts in Churches* is interested in the art of music and embraces the Catholic Church’s commitment to the development of culture. Indeed, the “treasury of sacred music is a witness to the way in which the Christian faith promotes culture” (#11).** Christian musicians and singers are encouraged to keep alive the Church’s tradition of promoting the arts and culture for the



service of the faith: “Do not hesitate to put your talent at the service of the divine truth. The world in which we live has need of beauty in order not to lose hope. Beauty, like truth, fills the heart with joy. And this, thanks to your hands” (Second Vatican Council, *Message to Artists*, 8 December 1965).

4. ***Concerts in Churches*** indicates that the intended use of a composition must determine the venue in which it is to be performed. It suggests that to provide for the execution in the church of music which is not of religious inspiration and which was composed with a view to performance in a certain precise secular context respects neither the sacred character of the church nor the music being performed. If music is composed for performance elsewhere, then, to do it justice, it must be performed in that ‘elsewhere’. The style and quality of the musical compositions are not at issue, but the intention with which the music was composed. Once this intention has been discerned, the quality of compositions may be considered. Forms of music other than the sacred or religious type - that is, classical, contemporary, of high quality or of a popular nature - are not considered to be unworthy. The important thing is that these were not intended to be performed in a church context. Therefore, the Vatican letter concludes, it damages both the musical composition and the sacred character of the church to try to fit two things together that were not, from their very inception, intended to be together.
5. The Church’s tradition in the past of fostering the work of artists and composers can fittingly be continued today also. The Church can offer hospitality to artists, encouraging them to develop their craft ever more completely for the glory of God and the service of neighbour.



The Tradition of Concerts in Catholic Churches

The letter *Concerts in Churches* acknowledges the value and appropriateness of giving a place to sacred and religious music in the church building, but outside liturgical celebrations. Specifically, the letter mentions that the playing of the organ and other musical performances - either vocal or instrumental - may “serve to promote piety or religion.” Indeed, the holding of organ recitals and other concerts has become in some areas of the world something of a ‘tradition’, perhaps most notably in the churches of Europe.

The Vatican letter spells out specific ways in which such performances may promote piety or religion. They may, for example, help to prepare for the major liturgical feasts or add to their character a more festive dimension; they may bring out more fully the particular character of the different liturgical seasons; they may help to create in church settings an atmosphere of beauty conducive to meditation, arousing in those who hear them an openness to spiritual values; they may create a context which fosters and makes more accessible the proclamation of the Word of God; they keep alive the treasures of Church music which can still serve as vehicles for spiritual communication, and which otherwise might be lost; they may assist visitors and tourists to grasp more completely the sacred character of a church.

The idea itself that churches may be used for concerts is not foreign to the Catholic tradition, but a part of it. Nevertheless, care must also be taken that every performance planned does in fact serve to promote piety or religion.





The Experiences and Concerns of Parishes Locally in which the Church Has Been Used for Concerts

As part of its research on the topic, the Diocesan Liturgy Commission undertook a survey of all those parishes in the Diocese of Calgary which it was aware had held concerts. The main findings of the survey are as follows:

The Commission discovered that, to date locally, in the parishes of the Diocese of Calgary, performances of various types had occurred: concerts of sacred, religious, popular and classical music, including opera; concerts which had featured individual performers or groups, soloists and local choirs; school music concerts, and Christmas concerts; nativity plays performed by youngsters in the parish; and a play with music, written by parishioners. Most performances had occurred in the church itself, in the sanctuary area; some had occurred in the church hall instead. Parishioners often coordinated these events. In the course of answering the survey questions, some parishes expressed the sentiment that the church hall would have been a more appropriate venue. It was reported that often, musicians themselves had approached priests, parish councils and school boards with their requests.

Although some parishes have had requests to allow secular concerts with a fee to benefit individuals, permission has not been given for this type of concert. In other cases, permission has not been granted for both practical reasons (no one to organize, or clean up) and because of questions about the appropriateness of concerts in general. Some parishes have asked for permission from the local



Ordinary, and followed the guidelines of the Parish Regulations Manual. In no case were contracts with performers used.

In many instances, no fees were charged. Sometimes, opportunities have been given to contribute funds to a silver collection or non-perishables for the food bank. At other times, tickets of a set fee have been sold. There seems to be a general sense that the Church's work is the free gift of salvation and it would be inappropriate to limit attendance only to those able to pay. The money collected through ticket sales and silver collections has been directed towards a number of things: honoraria or fees for performers; church building funds; specific parish or diocesan ministries or organizations; relief for those in disaster areas, through Development and Peace, for example; the costs of advertising the next event. There exists a desire to have the proceeds from any concert benefit others, beyond the sponsoring or performing group.

Concerts have generally been well received, and carried out in an atmosphere respectful of the worship space. Concerts have also sometimes included elements of evangelization on the sacraments. Care and placement of the Blessed Sacrament have been important considerations. There have been both positive and negative comments from parishioners.

Some concerns have been expressed. An altar has been damaged while being moved. The amount and placement of equipment was somewhat overwhelming in one case. Better organization and more help with organization would have been desirable. Sometimes, requests for extra bookings or rehearsal time are done only at the last minute. The expectation that equipment set up in the worship space should be left there until after the concert - through Sunday liturgies, for example

- has surprised and disconcerted some. Some expressed discomfort with the dancing of one group around the altar.

The Diocesan Liturgy Commission inquired of those surveyed what they would like to see addressed in a ***Diocesan Policy on Concerts in Churches***. Those surveyed hoped such a policy would address the following concerns:

1. whether holding concerts in the sanctuary space is allowed and, if so, the conditions that should be in place to ensure such events are proper, liturgically acceptable, tasteful and appropriate, including the particular kinds of concerts and other events that would meet the criteria (comedy? drama? liturgical dance?), along with a set of restrictions, perhaps;
2. whether letters of reference supporting the performers should be required;
3. designating who should be responsible for care of the church premises when churches are used for concerts (cleaning, locking/unlocking the church doors, etc.);
4. the issue of proper attire for performers;
5. providing sufficient means of catechizing parishioners about holding concerts in churches (the appropriate use of sacred space, including the sanctuary; celebrating the gifts God has given us, and ways to honour God through performances; the relationship of the arts to the Church and why there should be such a relationship);
6. how to ensure concert content is appropriate when it may not be accurately described;
7. which, if any, items in the sanctuary may be moved;
8. care of the Blessed Sacrament;
9. the sale of CDs and other items, and in what areas of the church building.

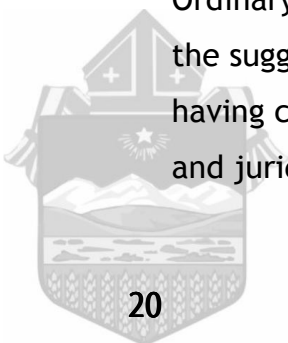




Canonical Issues and the Vatican Letter *Concerts in Churches*

When documents are issued by the pope and the Congregations of the Roman curia, it is important to evaluate them according to their type, purpose, and degree of binding force. The various types of documents coming from the Vatican do not all carry the same degree of doctrinal or legal weight.

The Vatican letter *Concerts in Churches*, for example, came from the Congregation for Divine Worship. The Congregations of the Roman curia, including the Congregation for Divine Worship, are executive bodies, not legislative ones. This means they carry out laws, but do not make them, unless they are explicitly delegated to do so by the pope in areas within their competence, and the pope reviews and promulgates the documents so produced. This did not happen with *Concerts in Churches*. Rather, the Congregation for Divine Worship *proposed* to Conferences of Bishops and to national commissions of liturgy and music, “some observations and interpretations of the canonical norms concerning the use of churches for various kinds of music” (#3). The letter, neither a legal document nor an instrument establishing new canon law, provides assistance for those responsible for establishing policies on such things within their jurisdictional territories. Anything suggested in the letter that goes beyond what is found in the *Code of Canon Law* (1983), and which is not part of a policy approved by the local Ordinary of a territory, is exactly that, a suggestion. It has no binding force. Since the suggestions are intended to help local Ordinaries and others fashion policies on having concerts in churches, those local policies have the much greater doctrinal and juridic (legal) importance. In the Diocese of Calgary, the policy formulated by



the Director of Liturgy and Adult Formation, in collaboration with the Diocesan Liturgy Commission and approved by Bishop Henry, is the binding policy on Concerts in Churches.

THE CONTEXT OF THE LETTER

The documents to which *Concerts in Churches* refers also provide part of the context in which this letter should be read: the *Constitution on the Sacred Liturgy* of Vatican II, the 1967 instruction *Musicam sacram*, the 1970 instruction *Liturgicae instaurationes*, and canons 1210, 1213, and 1222 of the *Code of Canon Law*.

CONTENT OF THE LETTER

Some canons in the *Code of Canon Law* (1983) are pertinent to the subject of concerts in churches. Canon 1210, for example, states: “Only those things which serve the exercise or promotion of worship, piety or religion are to be admitted into a sacred place; anything which is not in accord with the holiness of the place is forbidden. The playing of the organ and other musical performances (vocal or instrumental) may fall into the category of those things which serve to promote worship, piety and religion, depending upon the nature and quality of such performances.

When other uses of the church do not appear directly to promote worship, piety and religion, the Ordinary has the authority to grant permission and may do so as long as these other uses are not *contrary* to the holiness of the place. Of course, the law grew out of the tradition of ritually dedicating churches and altars for sacred use.

Churches, as well as chapels, shrines and cemeteries, are all considered to be ‘sacred places’. This canon says that permission is required from the local Ordinary before our sacred spaces may be used for any purpose *other* than the exercise or promotion of worship, piety or religion.

The case of concerts of sacred or religious music is different. Since music is characterized as ‘sacred’ if it is composed for the celebration of divine worship and it has integrity of form (*Musicam sacram*, #4a), no permission is needed for concerts of *sacred* or *religious* music held in churches. A caution may be warranted, however: it is important to discern whether or not the sacred or religious music proposed does indeed promote worship, piety or religion, and whether it truly merits the designation ‘sacred’ or ‘religious’ music.

Concerts of **secular** music are not prohibited in churches, but the local Ordinary’s permission is required. The local Ordinary is free to make the judgement in particular cases whether the secular music proposed is in keeping with the “holiness of the place” or contrary to it. This can be done one case at a time which is why *series* of concerts of secular music are excluded (although not series of concerts of sacred or religious music).

The letter itself says that the Ordinary can specify which of the guidelines the letter proposes will be applied. He can make one or several or all of them normative in the churches in his jurisdiction, but he is not obliged to impose them.

FREE ENTRANCE TO THE CHURCH DURING THE TIME OF SACRED CELEBRATIONS

Canon 1221 states: “Entrance to a church *during the time of sacred celebrations* is to be free and gratuitous.” When, therefore, the letter

Concerts in Churches says that “Entrance to the church must be without payment and open to all” (#10, c), this is not a requirement of canon law, since no sacred celebration is about to take place, but a concert only. Universal church law does not exclude the possibility of selling tickets for a concert or requiring a donation of a fixed amount, but a local Ordinary may see fit to forbid these practices, if he so chooses.

MUSICIANS, SINGERS AND ACTORS PERFORMING IN THE SANCTUARY

Another suggested guideline in ***Concerts in Churches*** prohibits musicians, singers, and actors from performing in the sanctuary (#10, e), but again, this suggestion does not have the force of law. An Ordinary may make such an outright restriction if he desires, but he is not required to do so. Pastoral, aesthetical, acoustical and related concerns might suggest to him that the sanctuary may be appropriately used.

A local Ordinary is free to determine whether and to what extent the guidelines in the letter ***Concerts in Churches*** should be implemented for the churches in his jurisdiction. The *Code of Canon Law* (1983) notes that it “pertains to the ecclesiastical authority to exercise without constraint its governance of sacred places, and hence, to regulate the use of churches in such a way as to safeguard their sacred character” (Canon 1213).



The Catholic Association of Musicians Alberta (CAMA) and the Nature of the Church's Obligation to Artists

The Catholic Association of Musicians was formed in 1998 by John Michael Talbot to create community, to develop the artistic gifts of Catholic musicians, and to discern how they could express themselves musically in appropriate ways other than the liturgy within church settings, including Catholic church settings. Denis Grady established a local chapter of this association in Calgary, the Catholic Association of Musicians Alberta (CAMA). Musicians belonging to this association have put on a variety of concerts, in various settings, including churches, church halls, and other venues, collaborating with the Life and Family Resource Centre, the Diocesan Social Justice Office and others.

There is a hunger for community and evangelization and sharing of faith among Catholic musicians. With regard to a responsibility on the part of the Church to support Catholic artists, CAMA suggests this entails primarily moral and emotional support, not necessarily financial support. It is the desire of CAMA to remain under the authority of the Church, and to maintain the most important criterion for the music to be performed: is it drawing attention to God?

It is also the desire of CAMA to preserve the character of the worship space in Catholic churches. To this end, CAMA would appreciate a policy on concerts in churches that would assist musicians to know how to approach parishes, and that would address the need for formation of those who might be unaware of how we respect our worship space. CAMA would also like the policy to encourage musicians in their efforts to evangelize, to be accountable, and to stay within appropriate boundaries.



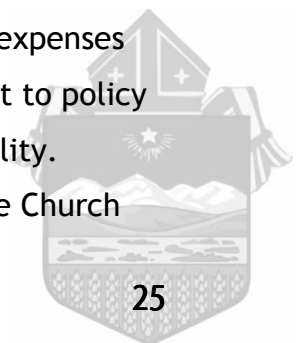


Liability Insurance

The insurance policy which the Diocese of Calgary carries provides coverage for bodily injury, property damage, and personal injury for all diocesan employees and volunteers in the course of their duties, *as long as there is an allegation of fault*. This means that the coverage is *not* ‘no fault’ coverage. If the Church’s employees and/or volunteers are not at fault, there is no insurance coverage (for example, when a performer or visitor is injured as a result of their own negligence, not through the negligence or fault of any diocesan employee or volunteer).

The Diocese of Calgary also has ‘first-party’ coverage, which would cover property damage caused by a performer, but the diocesan insurance company would be entitled to sue the performer for the amount of the claim. While there are no deductibles for liability insurance, the deductibles for property insurance are substantial. It may be that any property damage caused will never be more expensive than the deductible, and parishes will be responsible for the full amount each time.

If parishes were to *rent* facilities to performers, who then caused injury to others, the principle of joint and several liability would apply. In this case, the Church, as landlord, has coverage in the event the performer causes an injury, but performers may not have any coverage of their own. The principle of joint and several liability means the Church may have to pay performers’ liability expenses as well. The Diocese does have insurance to cover the full award, subject to policy limits, terms and conditions, in these situations of joint and several liability. However, if the insurance company pays a loss that is not the fault of the Church



because the performer does not have insurance, this may have an affect on the Church's loss record which, in turn, may result in increased premiums and/or the availability of insurance down the road.

SAMPLE CASES

1. equipment set up by parish volunteers falls on the altar and damages it - This loss would be paid by the Church's property insurance policy, assuming the damage exceeded the Church's deductible.
2. equipment set up by the performers themselves falls on the altar and damages it - If the performer has donated his or her time to a parish function or event, such a person would normally be considered a volunteer to the parish or diocese, and the damage to the altar would be covered under the Church's property insurance policy (less the deductible), as above. If the performer is being paid, it is more likely that this person would be considered an independent contractor (and not a parish or diocesan employee or volunteer). In this case, the Church's property insurance would pay the loss but then attempt to recover that loss directly from the performer.
3. a volunteer unknowingly leaves a faulty amplifier on overnight and the church burns down - This instance would be covered under the Church's property insurance.
4. a performer leaves the amplifier on overnight and the church burns down - This would also be covered under the Church's property insurance but the insurance company would then try to recover the loss from the performer assuming he or she is not deemed to be a volunteer of the Church.
5. equipment falls and injures either an audience member or a performer - In this case, there is insurance coverage, as long as there is an allegation of fault against the Church, its employees or its volunteers.
6. a performer trips, falls and is injured - There is insurance coverage, provided the Church is alleged to be at fault (through poor lighting or insufficient salting of icy walkways, for example); there is no insurance coverage, if the performer's injuries are as a result of the performer himself or herself (intoxification, for example).

CONTRACT FOR USE OF PARISH CHURCH/HALL (SAMPLE ONLY)

To be used when those who organize the event are not parish members, or when the proposed event is not part of the pastoral plan of the diocesan church

Page 1 of 2

This Contract is made this _____ day of _____, 20____, by and between _____
 _____ (name of concert organizer) and _____
 _____ (name of parish) to ensure the premises used will be left in good order and that any expenses incurred and damage which happens in the preparation and course of the event, or as a result of the event, are the responsibility of the concert organizer.

CONCERT ORGANIZER’S CONTACT INFORMATION

Name _____
 Full Name _____ Company Name (If applicable) _____

Address _____
 Street _____ City, Prov. _____ Postal Code _____

Telephone _____
 Business _____ Home _____ Cell _____

E-mail _____

Name(s) of Artist(s) _____

TIME, DATE, LENGTH AND PLACE OF PERFORMANCE FOR THE ENGAGEMENT AND SET-UP/REHEARSAL

Venue Name _____
 (Parish Hall/Church, ect.) _____

Address _____
 Street _____ City, Prov. _____ Postal Code _____

Telephone _____
 Business _____ Home _____ Cell _____

Performance Date _____
 Date (Month, Date, Year) _____ Time _____ Length of performance _____

Set-up/Rehearsal _____
 Time Required _____

CONTRACT FOR USE OF PARISH CHURCH/HALL (SAMPLE ONLY)

To be used when those who organize the event are not parish members, or when the proposed event is not part of the pastoral plan of the diocesan church

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WAIVER FOR CONCERT ORGANIZER TO SIGN

I have read the *Diocesan Policy on Concerts in Churches* for the Diocese of Calgary.

I, _____, concert organizer for the _____ event to be held on the _____ day(s) of _____, 20____, agree that I will leave the premises at the address noted above in good order, that I am responsible for any expenses incurred which are in any way related to the proposed event, and also for any damage that may occur during the preparation for, and course of, the event, or as a result of the event. I also agree to indemnify and hold harmless _____ parish and the Diocese of Calgary from any and all claims, liabilities, damages, and expenses arising from any action or activity of the concert organizer or artist while rendering services related to the named event(s).

Signed: _____ Date: _____
Concert Organizer

Signed: _____ Date: _____
Parish Pastor or Designate

Damage Deposit Required: Yes No

If yes, amount received \$ _____ Date: _____



Intellectual Property or Copyright Issues

A copyright holder of a given work is the only one who has the right to perform that work or any substantial part of it in public. That person is also the only one who has the right to produce or reproduce that work or any substantial part of it in any material form. Anyone who, without the consent of the copyright holder, does what only the owner of the copyright has the right to do, under the *Copyright Act*, infringes copyright. Neither ignorance of the law nor the good faith of the infringer (whether they benefited financially from the act or not) is an excuse.

WHAT IS A 'PERFORMANCE'?

Any acoustic or visual representation of a work, performer's performance, sound recording or communication signal, including a representation made by means of any mechanical instrument, radio receiving set or television receiving set (*Copyright Act*, R.S.C. 1985, c. C-42, s. 2) is considered a 'performance'. The definition includes the traditional modes of performance, such as acting, and also, any audible reproduction by voice, musical instruments, or mechanical methods of reproduction. All of the concerts or dramatic presentations held in parishes in the Diocese of Calgary are considered to be public performances, including those in which the concert programme incorporates the playing of a CD or other such instrument.

The right of a copyright holder to produce or reproduce a given work is relevant to the issue of concerts in churches. For example, performers who use



unauthorized reproductions of works either in the course of their performances, or in the CDs they produce and sell, infringe copyright. The reproduction does not have to be identical to the original work, but only sufficiently similar. An adaptation of a copyrighted work still constitutes a copyright infringement.

All those who, without the consent or license of the owner, have done (or have authorized) acts which are restricted by the grant of copyright, are potential defendants if a copyright holder is trying to determine who is liable for a particular infringement. This means that, if one of the Diocese's concerts or performances infringes on the rights of the copyright owner, both the performers and the diocese could be held liable.

There are some exceptions to the general rules regarding the *performance* (not the production or reproduction) of copyrighted works. Performances in the course of achieving a religious institution's religious object are exempted from incurring financial penalty. However, *a religious institution's religious object, in the limited legal cases that have arisen, has been understood in a very narrow sense, that is, acts of worship alone*. Even if one of the objects of the church is works of charity, having a concert which is intended mainly to entertain, even if the proceeds go to charity, would not meet the requirements of the exception. It is *possible* that having a concert in which songs with lyrics intended to teach about the plight of a particular group in special need were used, which would then lead audience members to contribute money to assist that particular group, might meet the exception but there is no applicable case law to determine this with assurance.

To avoid infringing a copyrighted work, obtain the consent of the copyright owner for the performance, production or reproduction of the given work.



SUGGESTED READING

- ❑ *Code of Canon Law*. English Translation. London: Collins Liturgical Publications, 1983.
- ❑ Congregation for Divine Worship. “Concerts in Churches.” (Nov. 5, 1987).
- ❑ Huels, John M. “Concerts in Churches.” *Disputed Questions in the Liturgy Today*. Chicago, IL: Liturgy Training Publications, 1988, 111-20.
- ❑ *Our Place of Worship*. Ottawa: Concacan, Inc. (Canadian Conference of Catholic Bishops), 1999.



